

1 Legend:

2 Single Underline = Proposed new language

3 Regular Print = Current Language

4 Blue = changes recommended by legal

5 Green = changes recommended by staff

6 (No change) = No changes are being considered for the designated subdivision

8 DRAFT §157.12 Rotor-wing Air Ambulance Operations

10 (a) Rotary wing aircraft (helicopters) operated by ~~a licensed~~ an emergency medical services
11 (EMS) provider licensed according to §157.11 of this chapter, shall be at the mobile intensive
12 care level. Persons or entities operating rotary wing air ambulances must direct and control the
13 integrated activities of both the medical and aviation components. Although the aircraft operator
14 is directly responsible to the Federal Aviation Administration (FAA) for the operation of the
15 aircraft, typically the organization in charge of the medical functions directs the combined efforts
16 of the aviation and medical components during patient transport operations.

18 (b) When being used as an ambulance, the helicopter shall:

20 (1) - (6) (No change.)

22 (7) All aircraft, in accordance with the timeline specified in (7)(A)-(C) of this section,
23 shall have an environmental system capable of heating or cooling, in accordance with the
24 manufacturer specifications, within the patient compartment at all times when in service and
25 which allows for protection of medication, according to manufacturer specifications, from
26 extreme temperatures if it becomes environmentally necessary on all aircraft;

28 (A) new applicants for a rotor-wing air ambulance operation license shall have an
29 environmental system (heating and cooling) capable of heating or cooling, in accordance with
30 the manufacturer specifications, within the patient compartment at all times when in service;

32 (B) any new aircraft added to an existing rotor-wing air ambulance operation
33 license shall have an environmental system (heating and cooling) capable of heating or cooling,
34 in accordance with the manufacturer specifications, within the patient compartment at all times
35 when in service;

37 (C) all aircraft in the fleet of a rotor-wing air ambulance operation license, shall
38 have an environmental system (heating and cooling) capable of heating or cooling, in accordance
39 with the manufacturer specifications, within the patient compartment at all times when in
40 service within a 5 year period from the date the aircraft is authorized by the department;

42 (c) An air ambulance provider shall meet the responsibilities of EMS providers as in §157.11(m)
43 of this title (relating to Requirements for an EMS Provider License) and in addition shall:

45 (1) (No change.)

(2) submit proof that the air ambulance provider carries professional liability insurance coverage in the minimum amount of \$500,000 per occurrence, with a company licensed to do business in Texas in order to secure payment for any loss or damage resulting from any occurrence arising out of or caused by the care or lack of care of a patient; or, if the provider is a government subdivision, submit evidence that the government entity shall provide financial responsibility by self-insuring to the limit imposed by the tort claims provisions of the Texas Civil Practice and Remedies Code.

(3)-(6) (No change.)

(d) The air ambulance provider shall designate or employ a medical director who shall meet the following qualifications:

(1) A physician who is currently licensed in the state of Texas, in good standing with the Texas State Board of Medical Examiners, in compliance Texas State Board of Medical Examiners Rules, particularly regarding Emergency Medical Services as outlined in 22 TAC 197, and in compliance with Subtitle B of Title 3 of the Texas Occupations Code;

(2)-(4) (No change.)

~~(5) comply with the requirements in Chapter 6, Medicine, Article 4495B, Medical Practice Act, §197.3(a)(2-7) and (b).~~

(e) The physician shall fulfill the following responsibilities:

(1)-(7) (No change.)

(8) maintain compliance with the requirements of the Texas Board of Medical Examiners rules, particularly regarding Emergency Medical Service outlined in 22 TAC 197.3 and also compliance with Subtitle B of Title 3 of the Texas Occupations Code.

(f) There shall be two Texas licensed/certified medical personnel on board the helicopter when in service. Medical personnel employed by providers who are based in another state do not need Texas certification/licensure provided that they are appropriately licensed or certified as medical personnel in their respective state. Staffing of vehicles shall be as follows:

(1)-(4) (No change.)

(5) The helicopter shall be operated by a piloted or pilots licensed or certified, by the United States Federal Aviation Administration (FAA) and operated in accordance with FAA regulations.

(g) (No change.)

(h) Medical supplies, equipment, and medication shall be fully supportive of and consistent with the service's scope of care as approved by the medical director. Medical equipment shall be functional without interfering with the avionics nor should avionics interfere with the function of the medical equipment. Additionally, the following equipment, clean and in working order, must be on the aircraft or immediately available for all providers:

(1)-(15) (No change.)

(16) The protocols shall have an effective date and an expiration date which correspond to the inclusive dates of the provider's EMS license;